REMARKS AND ARGUMENTS

Claim Status

Claims 22-44 are pending.   Claims 22-44 were rejected in the previous action. Claims 22-23, 29-30, 35-36, 38, 41have been amended herein.   Claims 24-25, 27, 28, 31, 34, 39-40, 42-44 have been previously amended. Claims 26, 32-33, 37 are cancelled without prejudice. No claims have been added.

Claim rejections – 35 U.S.C. § 112

Claim 36 has been amended to read "means for entering" which has antecedent basis in claim 35, from which claim 36 depends.

Claim rejections - 35 U.S.C. § 103

Amendments and arguments reflect the results of an applicant initiated examiners interview dated 06 Feb, 2008. Which is made of record on a separate document.

Applicant respectfully disagrees and transverses these rejections and humbly requests that all objections be withdrawn, in light of the Amendments to the Claims submitted herein and the following argument. Further, any combination of art between Basile and Rothschild is not Applicant's claimed invention, as will become apparent from the argument below.

Claim 22 has been amended to include the limitation from cancelled claim 26 of purging data at the end of the enrollment as is shown in Figure 1 element 140. This purge is more than a conventional dumping of data from the memory to make room for

new data as examiner asserts. Purging, as disclosed in [0072] of Lane involves purging (to get rid of) data collected during the enrollment. Purging data performs an important safeguard as outlined in [0010] and [0017] of Lane of the "reluctance on the part of most people to relinquish personal control of such sensitive information" and the storing of personal information on a central database where it can be "susceptible to hacking attacks". This step is not taught, suggested, or motivated in references cited by examiner. Further both Basile and Rothschild teach the schema of a predominate "central database" or "relational database". If the central database (14) Fig. 1 of Basile were removed, it would cease to function. Therefore, applicant maintains that claim 22 as amended discloses patentable material and asks that this claim be allowed as amended.

Claim 23 was rejected based on [0020] of Rothschild. The amended claim 23 depends from the limitations on amended claim 22, which now includes retaining separately from a centralized storage facility.

Claim 24 was rejected based on 0007-0009 of Rothschild. As discussed with examiner in the interview, the means for interfacing with the storage medium has the limitation of a purge step from claim 22 which defines over the prior art.

Claim 25 was rejected based on 0029 of Rothschild. This paragraph teaches ways that files can be loaded or imported onto the device disclosed in Rothschild. Claim 25 is directed to the several embodiments of the storage medium for holding personal information and so on recited in claim 22. Applicant believes these are directed to two separate devices and are not analogous. Applicant further believes that no corresponding embodiment exists in either Rothschild or Basile which is an electronic

storage medium holding contents which are only in the storage medium and not a central database or relational database.

Claims 27, 34, 38, 41, 42, and 44 were rejected for the recited encryption and decryption limitations suggested in col. 3 lines 49-52, col. 5 lines 1-10 of Basile as well as passwords in paragraphs 0010, 0018 of Rothschild. As agreed in the examiners interview, there is a great difference between using a password for accessing data and encryption/decryption schemes for protecting data. Password schemes are designed to restrict access to memory locations, but do not scramble the data according to a specific seed based algorithm like an encryption scheme. With passwords, once the data contents are accessed, they can be read. With encrypted data, the scrambling process needs to be reversed to allow the data to be useful. As can be seen from 0010, 0018 of Rothschild, no encryption/decryption scheme is mentioned or suggested. Only passwords to allow access to the data. This is very different than encrypting selected portions of the data as recited in the above mentioned claims. In the above claims, portions of the data that need to have instant and universal access, (such as pictures, voice print etc.) but are not critical and sensitive information are not encrypted so they can be accessed easily and universally. Portions of the data that may be sensitive (such as for example, home phone number, or date of birth, or fingerprints) are encrypted so that even if the contents of the electronic storage medium become available, the sensitive contents cannot be exploited. The Basile reference only suggests encryption/decryption schemes be used to encrypt data before transmission (Basile col. 3 lines 49-53) but does not teach, suggest or motivate to encrypt the data as stored in the electronic medium, let alone portions of the data. Therefore applicant maintains that

the elements of encryption/decryption of portions of the data, criteria used for selecting which portions of the data to encrypt/decrypt, and how the decryption key is held and used, as delineated in the claims, are patentable over Rothschild and Basile and any combination thereof.

In a similar vein, examiner rejects **Claim 28**, which claims how the kit is given to and held by the entity having legal custody of said subject. Examiner cites family 24 of Basile as the basis for the rejection of Claim 28, which teaches that the Basile ID kit is attached to the child for purposes of identifying the child by a third party, if lost. As discussed above, the Basile patent does not teach one ordinarily skilled in the art to use their system to *locate* a missing subject, because the ID system in Basile is *attached* to the missing subject, making it impossible to use the kit to locate the very subject the kit is attached to. Claim 28, as currently amended, states that the "kit is given to and retained by an entity having legal custody" of the subject. Further claim 28 reads upon the limitation of claim 27 as discussed above, therefore should be incondition for allowance.

Claim 29 was rejected claiming "the artisan recognizes that the key is associated with the authorization code given to the manufacturer 16 by the family 24 of Basile et al." with no further reference given. Applicant has read the entire draft of Basile and not found a reference location for the statement. Given that, Applicant assumes that the reference may be to Col. 5 lines 30-41, which refers to the cardholder's family having access to internet access sites associated with the system. These are sites that would be developed by the manufacturer 16. In fact, the word "key" is not mentioned in the claim either. But in general, Claim 29 relies on using selected portions of the data which

are encrypted as outlined in claim 27 as discussed above as being patentable above the references, with the further limitation that the means for decryption is held separately from both the enroller of the card, and the family. But is held by the appropriate authority, which is defined in the specification as law enforcement etc. so that the data and the key are not combined until needed for what is referred to as Forensic Evidence **(536)** in Figure 2. That way the privacy of the subject and the availability of key information are held in check. This methodology of selecting and encrypting only selected portions of indicia and retaining a key **(10)** in Figures 3 and 4 of Lane for the missing person file **(6)** is not associated with any elements suggested in Basile et al. Further these elements are novel and unobvious over Rothschild, Basile, and the combination of these references.

Claim 30 was rejected citing col. 5 lines 11-21 of Basile. It is agreed with Basile that "there is no limit to the types of information that can be stored on a the system". The Basile disclosure makes no suggestion as to which types of data should be stored in an encrypted state for further protection from unwanted use. This is where claim 30 defines over the prior art.

Claims 22, 32, and 34 were rejected for citing Rothschild's abstract that it is carried by an individual or a family member and retaining the kit separate from the person. Claim 22 has already been discussed above. Claim 34 was agreed to allow as previously amended during the examiner's interview having novel elements of encrypting portions of the data as supported by Figures 3 and 4 of Lane, with further providing a means for an authority with no prior association with the subject or the second entity to decrypt portions of the data. These elements are unobvious to the

reader of Rothschild in light of Basile. Therefore claim 34 should be allowed as patentable over the cited references. Claim 32 was cancelled.

Claim 35 was rejected citing the camera of Basile. Claim 35 was amended to recite the element of purging with analogous argument to claim 22. Further definition is found in that both Rothschild and Basile retain data in central database or relational database after being written on the electronic storage media and is not purged.

Claim 36 provides the further limitation from claim 35 of using a computer to enrolling. Therefore should be allowed.

Claim 38 discussed above with claims 27, 34, 38, 41, 42, 44.

Claims 39 and 40 were rejected citing col. 3 lines 31-40 of Basile. The limitations of email and broadcast communication in claims 39 and 40 depend from claim 38 which was discussed in the examiner's interview referring to Figures 3 and 4 of Lane having a central database such as the FBI's National Criminal Investigation Center (NCIC) Missing Person File **(6)** assisting a parent or guardian to find a missing subject. The necessary information is not found in the database unless, or until, a kit holder **(1)** provides that information. That way information which is private to the family is held private until such time as it is needed for its specific purpose – to find the child – thus being further safeguarded from unwanted exploitation.

Claim 41 was rejected citing col. 3 lines 49-52 of Basile. The current amended claim is not directed to only the mere encryption and decryption of data as outlined in Basile, but to a system for providing an encryption key an authority in advance of needing it for encrypted portions of a data packet that can contain both encrypted and non-encrypted data elements. These elements are held only in the kit and not found on

a centralized database or relational database prior to being disseminated from the kit. As discussed in the examiner's interview, this scheme is not found in Rothschild, Basile, or any other reference known to the applicant. It is novel, unobvious and patentable above the prior art.

Claim 42 was rejected reciting the encryption and decryption limitations and passwords cited in Rothschild and Basile. These objections have been traversed in the previous arguments. Further this claim gives life to the scheme of Figure 2 of Lane showing a specific protocol for escalation of a missing person incident. Paragraph 0006 of Rothschild as cited by the examiner for having "stages of escalation" makes no mention of stages of escalation, even upon a generous reading of the paragraph. It only mentions "The viewer software stores information according to an organizational structure that permits the viewer to locate data files based on predetermined parameters." It does not come close to suggesting the multiple phase deployment as found in Figure 2 and discussed in paragraphs 0024-26 and 0073-75 of Lane. This argument was made during the examiner's interview and agreed to allow the claim as previously amended.

Claim 43 was rejected for video and audio as suggested in paragraph 0020 of Rothschild. As argued in claim 42 above, the video and audio of Lane are limitations of a multiple phase deployment not suggested in Rothschild, Basile, or a combination thereof. Therefore, the claim is patentable over the references and should be allowed.

Claim 44 was rejected with respect to fingerprints cited in col. 4 lines 59-60 of Basile. A careful reading of Basile teaches that the security scanner **(44)** of Basile is for security purposes, to limit access to the information (see Basile col. 4 lines 35-43) and

has one embodiment of a fingerprint reader (col. 4 line 59). This is quite different than the fingerprints formatted for a forensic system as taught in paragraphs 0013-14 of Lane. Again these advantages are not suggested in Rothschild, Basile, or a combination of these references. Further, the limitations of this claim fall from claim 42 demarking stages of escalation not suggested in prior references. Therefore claim 44 should be allowed.

General Remarks

Not only do Basile and Rothschild fail to teach how to protect stored data in the manner Applicant has, but *rely* upon a centralized database or relational database, to enable their patents. In essence, the Applicant's invention can succeed without a relational or centralized database, whereby the Basile and Rothschild patents would fail without a relational or conventional centralized database.

Applicant's multiple stages of escalation distinguishes over from the prior art.

Claims 42-44 disclose a multi-tier search system designed to locate an individual with escalation of information release in degree of sensitivity and only require decryption at the most crucial stage of a search. This multi-tier approach balances privacy and security of sensitive data with the need for rapid access as needed for locating a missing individual where time is of the essence.

The question of *when* information is decrypted is as essential to how. The information stored on Applicant's device is released in stages as described in Claim 42 so it is integral with the encryption/decryption method from the disclosed search organization.

Example: Initially, a search won't require any decryption as it uses the *picture ID* of the face of the card. Should that prove unproductive, a successive stage of the search disseminates certain *nonsensitive* identifying indicia to associated third parties, immediately and without decryption. Should that prove unproductive, yet another successive stage, where identifying indicia of a forensic or encrypted nature are disseminated, decryption comes into play.

This multi-stage approach to the control of information is no where to be found in either Basile, or Rothschild, nor could one of ordinary skill in the art obviously conceive an escalating search system from the combination of the Basile and Rothschilds patents. It should be noted that Applicant's invention allows a search to commence at any of the stages herein described, if necessary.

There is a substantial difference in how the information flows in Applicant's patent compared to Basile. In the Basile patent, info flows *from the organizations* that collect and input the data *into a centralized database*. The information in Applicant's patent flows *from the storage medium to the electronic communication systems of the authority*. This is why it is important to purge collected data after enrollments, so that gathered data cannot get into the wrong hands through neglect or deceit.

CONCLUSIONS

Any dependent claims not specifically discussed above depend, either directly or indirectly, from the independent claims discussed above and therefore are patentable for at least the same reason(s).

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or any drawing, then it is respectfully asked that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively, if the Examiner wishes to discuss this Response, the Examiner is requested to call the Applicant's agent at the phone number listed below.

If this response is not considered timely filed and if a request for extension of time is otherwise absent, applicant hereby requests any extension of time. Please charge any fees or make any credits, to Deposit Account No. 50 3830.

Dated this 8th day of February, 2008.

Respectfully submitted,

/Fred Lane/

Fred Lane
Practitioner (Reg no.58,188)
100 N. 72nd Avenue
Wausau, WI 54401
(715) 842-1133